



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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Randall Labnon
Town & Country Motor Court
PO Box 220
Gorham, New Hampshire 03581

LETTER OF DEFICIENCY

WMB PBF 02-04

February 15, 2002

Dear Mr. Labnon:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On February 11, 2002, DES inspected the following public bathing facilities at the Town & Country Motor Court in Shelburne, NH: the indoor pool ("Pool") and spa ("Spa"). During this inspection the following deficiencies were noted:

1. A recommendation to close and superchlorinate the Pool was issued on February 13, 2002. The inspection on February 11, 2002 revealed that the Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violation was observed in the Pool water:
 - (a) Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Pool water contained greater than 3,000 cfu/mL.
2. A recommendation to close and drain the Spa was issued on February 12, 2002. The inspection on February 11, 2002 revealed that the Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Spa water:
 - (a) Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Spa water contained total coliform bacteria and *E. coli* bacteria.
 - (b) Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Spa water contained greater than 30,000 cfu/mL.
 - (c) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Spa water contained greater than 200 CTS/100mL.
3. Env-Ws 1103.15(c) requires a free residual chlorine concentration between 1.0 mg/L and 3.0 mg/L in public pool water. The free chlorine residual of the Pool water 0.3 mg/L on February 11, 2002.

4. Env-Ws 1103.16(e) requires a bromine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L bromine. The bromine concentration of the Spa water was 0.2 mg/L on February 11, 2002.
5. Env-Ws 1105.01(j) requires a rope with attached floats a ("breakpoint safety line") to be placed across public pools over the break in depth between the shallow and deep portions of the pool. A breakpoint safety line was not present in the Pool at the time of the inspection.
6. Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth of the Pool was not marked on the deck of the Pool.
7. Swimming pool hydraulic design and filter systems shall comply with Env-Ws 1105.01(k). The circulation for the Pool does not have a minimum recirculation flow rate of one pool water turnover per 8 hours.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. A plan of how Pool circulation will be increased.
3. A timetable of when:
 - a. the safety items will be in place,
 - b. the depth will be marked, and
 - c. Pool circulation will be increased.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspection in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,


Jody Connor
Limnology Center Director

cc: Gretchen C. Rule, Enforcement Coordinator, DES ✓
Russell A. Nylander, P.E., Chief Engineer, WD/DES
Amy Wilson, Public Bathing Facility Coordinator, DES
Justina Hale-List, Health Officer, Town of Shelburne